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09/069,728 04/29/98 MURPHY

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EXAMINER

WM02/0828

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ART UNIT

PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 16

Application Number: 09/069,728
Filing Date: April 29, 1998
Appellant(s): Stephen C. Murphy

Fred G. Pruner, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on June 6, 2001.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

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A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

This appeal involves the remaining claims 12-21 and 26-35 which have been finally rejected. Claims 12-21 and 26-35 are the subject of this appeal due to a request made by the Applicant on March 2, 2001 to cancel claims 1-11 and 22-25. That request has been fully considered and approved by the Examiner. Therefore, the statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. As noted above, claims 12-21 and 26-35 are the subject of this appeal.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 12-21 and 26-35 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

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The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,669,571	Graybill	9-1997
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5,844,775	Lundberg	1-1998
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(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 12, 15-17, 20-21, 26-27 and 34-35, are rejected under 35 U.S.C. 102(a) as being anticipated by Graybill (U.S. Pat. No. 5,669,571).

As to claims 12 and 16-17, Graybill (figs. 1-3) show a method for entering data into a computer, comprising: anchoring an electrical cord (230) connecting a peripheral input device (225) to the computer; positioning the peripheral input device; and between the peripheral input device and the computer, winding up the electrical cord to retract slack in the electrical cord as the peripheral input device is positioned (col. 4, lines 12-25; see abstract).

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In addition, as to claims 26-27, Graybill discloses a method for entering data into a computer, comprising: anchoring an electrical cord (230), and maintaining a fixed length of the electrical cord between the peripheral input device and the computer (col.3, lines 26-51).

As to claim 15, Graybill (fig. 3) shows a method, wherein moving the peripheral input device includes moving a mouse and a pointer displayed by the computer.

As to claims 20 and 21, Graybill (figs. 1-3) show a method, wherein positioning the mouse includes positioning a pointer displayed by the computer and wherein retracting slack in the electrical cord includes retracting the slack into at least one of the mouse and an anchor.

As to claims 34-35, Graybill (fig. 3) shows a method, wherein the peripheral input device includes positioning a mouse (225), the peripheral input device includes positioning a pointer displayed by the computer (205) and, moving a mouse and a pointer displayed by the computer (205).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-14, 18-19, 28-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Graybill (U.S. Pat. No. 5,669,571) in view of Lundberg (U.S. Pat. No. 5,844,775).

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As to claims 13-14, 18-19, 28-33, Graybill does not explicitly teaches anchoring the electrical cord includes anchoring the electrical cord to a desktop or a mouse pad and, wherein anchoring the electrical cord includes at least one of adhering and fastening an anchor to the desktop and a computer chassis.

However, in the same field of endeavor, Lundberg (figs. 10, 11, 12, 16, and 19) show a method, wherein, anchoring the electrical cord includes anchoring the electrical cord to a desktop and a computer chassis (see fig.16); wherein anchoring the electrical cord includes at least one of adhering and fastening an anchor to the desktop; wherein anchoring the electrical cord includes anchoring the electrical cord to a mouse pad (16); wherein anchoring the electrical cord includes at least one of adhering and fastening an anchor to the mouse pad (16); wherein anchoring the electrical cord to the work surface includes anchoring the electrical cord to a desktop or a mouse pad (col. 3, line 46 through col. 4, line 10); wherein anchoring the electrical cord to the work surface includes at least one of adhering and fastening an anchor to the work surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve upon the mouse cable holder as taught by Lundberg because that would eliminate the excess of slack in the electrical cord which is a nuisance and, the cord is liable to knock over or otherwise bother whatever is sitting on the support table for the mouse pad.

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(11) Response to Argument

Before proceeding to the Response to the Arguments presented in Parts A, B & C of Appellant's Arguments, a short discussion is presented as to the definition of "affixing" and "anchoring" of an electrical cord, as defined by in specification.

Claim 12 (line 2) "...affixing an electrical cord to a work surface..."

Claim 17 (line 2) "...anchoring an electrical cord to a work surface..."

Claim 26 has no claim language directed to "affixing" or "anchoring" a cord.

Though not argued dependent claims 13, 14, 18, 19, 28 and 29 switch to "wherein anchoring the elctrical cord to the work surface includes..." anchoring or adhering to a desktop or to the work surface.

1. The specification only indicates that an anchor 16 is affixed to the desktop 20.

"The anchor 16 in the embodiment of Figures 1A-1B is affixed to the desktop 20", page 6, lines 1-2. The specification does not mention the "cord" being anchored, only that the anchor 16 is affixed to the desktop. However, the cord being anchored was presented in the claims as originally filed.

2. On page 6, lines 2-3,

"The manner in which the anchor 16 is affixed is not material to the invention provided the anchor 16 is sufficiently affixed so that the user may draw the cord 14 from the spool 18...."

3. Comparing the embodiments of fig. 1A and 4, the cord shown in Fig. 1A is anchored through the reel mechanism to the anchor 16 (in this embodiment the cord is anchored through the reel mechanism, however the cord still moves) whereas the cord shown in Fig. 4 is completely anchored to the desktop. It is assumed the claims are intended to cover all embodiments.

Given the discussion above, the "anchoring" or "affixing" was given the broadest reasonable interpretation as supported by the specificaion and is several embodiments. As long

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as the reel/cord mechanism does not move, then the cord is defined as anchored. Also note, that claims 13, 14, 18, 19, 28 and 29 were interpreted more narrowly and therefore Lundberg was added to specifically teach anchoring the cord.

Arguments: Part A & B:

To summarize the arguments:

A: The argument to claim 12 is that “Graybill neither teaches nor suggests affixing an electrical cord to a work surface”.

B: The argument to claim 17 is that the organizer of Graybill only rests on a work area “but neither teaches nor suggests anchoring an electrical cord to a work surface”

(1) First, given the discussion above, it is clear that the peripheral cords of Graybill are affixed or anchored through the cordreel 65 of cord organizer 5, just as the claimed electrical cord of claims 12 and 17 are anchored through the reel 18, to anchor 16, to desktop 20, see Fig. 1A of the disclosure.

(2) Second, it is clear that the cord organizer 5 of Graybill does not move, that is, it is inherent that the cord organizer 5 is affixed or anchored by its weight. If the cord organizer moved around when the user repositioned the mouse the invention and advantages of Graybill would be destroyed. It is clear that if the cord organizer 5 moved at the slightest touch, peripheral cords would be all over the place, possibly even pulling connectors out of the peripherals or the back of the computer.

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(3) Third, since the “manner in which the anchor 16 is affixed is not material to the invention..” (Page 6, lines 2-3 of the specification) and given the various methods of affixing (page 6, lines 5-8) it is clear that the simple weight of the cord organizer 5 would be another method of anchoring.

Arguments: Part C

To summarize, Appellant argues that Graybill does not maintain a fixed length of electrical cord between the peripheral input device and the computer. Appellant also argues Graybill, in col. 4, lines 3-8 and wherein “Graybill teaches folding a cable in half such that there are two equal lenth...”

As to the first argument, Graybill does maintain a fixed length. For example, the length from the cord organizer 5 to the computer is fixed and the length from the cord organizer 5 to the peripheral (printer 220 or mouse 225) is also fixed. That is, the cord organizer 5, includes a locking mechanism to allow the user to select the amount of cord required. Once the user selects the length of cord desired, this length is fixed.

It is clear that pressing lock button allows the user to select the length of cord desired, however once the lock button is engaged the length of the cord is fixed.

As to the arguments in the last paragraph of page 10, directed to col. 4, lines 3-8 and lines 12-19, these are not relevant to the discussion. Column 4, lines 3-8 and lines 12-19 discuss how the cord organizer 5 of Graybill is wound-up and how a user installs the cord. It

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is clear that once the cord organizer 5 of Graybill is installed and connected, the device operates just as Appellant's claimed invention.

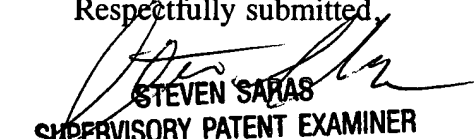
For the above reasons, it is believed that the rejections should be sustained.



Fritz Alphonse

August 24, 2001

Respectfully submitted,



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